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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,638	01/12/2004	Matthew F. Hogge	B03-85	3279

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EXAMINER

HUNTER, ALVIN A

ART UNIT PAPER NUMBER

3711

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,638

Applicant(s)

HOGGE ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/12/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 7 recite the limitation "the elastomer" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 9-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rajagopalan (USPN 6001930).

Regarding claim 1, Rajagopalan discloses a golf ball comprising a cover layer encasing a subassembly wherein the subassembly comprises a intermediate layer, or barrier layer, encasing a core, wherein the intermediate layer is formed from a composition comprising a filler dispersed in a solvent-borne polymer of a multi or iso-olefin (See Abstract; Column 16, lines 12 through 21; Column 24, lines 18 through 38; and Column 29, lines 5 through 8).

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Regarding claim 3, Rajagopalan discloses the sulfonated polymer being butyl rubber in which the applicant admits to having a conjugated multi-olefin. Evidence is submitted in paragraph bridging pages 5 and 6. Therefore, it is submitted that Rajagopalan is inherently the same.

Regarding claims 4 and 5, Rajagopalan discloses the sulfonated polymer being butyl rubber in which the applicant admits to having a multi-olefin of about 4 to 14 carbon atoms and a iso-olefin of about 4 to 7 carbon atoms. Evidence is submitted in paragraph bridging pages 5 and 6. Therefore, it is submitted that Rajagopalan inherently has the same content.

Regarding claim 6, Rajagopalan discloses the elastomer being sulfonated (See Abstract).

Regarding claims 9 and 11, Rajagopalan discloses the composition further comprising a double-bond vulcanizable rubber in which is adhesive to diene rubbers (See Column 24, lines 60, through Column 26, line 46).

Regarding claim 10, Applicant admits that Butyl rubber typically has a moisture vapor transmission rate of about 0.001 to 0.100 grams*mm/m²*day. Evidence is submitted on page 6, lines 27 and 28 of applicant's specification. Therefore, it is submitted that Rajagopalan inherently has the same vapor transmission rate.

Regarding claim 12, Applicant admits that butyl rubber generally has a molecular weight of 20,000 to 500,000. Evidence is submitted in paragraph bridging pages 5 and 6. Therefore, it is submitted that Rajagopalan inherently has the same molecular weight.

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Regarding claim 13, the composition inherently forms a tortuous path against moisture vapor encroachment.

Regarding claim 14, the limitation refers to a product by process. It is submitted that Rajagopalan meets the limitation being that the final product is the same.

Regarding claim 15, applicant admits that butyl rubber has about 30 to 0.5% of a multi-olefin and 70 to about 99.5% by weight of iso-olefin. Evidence is submitted in paragraph bridging pages 5 and 6. Therefore, it is submitted that Rajagopalan inherently has the same content.

Regarding claim 16, applicant admits that butyl rubber is amorphous and non-polar. Evidence is submitted in paragraph bridging pages 5 and 6. Therefore, it is submitted that Rajagopalan is inherently the same.

Regarding claim 18, Rajagopalan discloses the subassembly having a Shore D hardness of less than 60 (See Column 24, lines 52 through 58). It is submitted that the subassembly is the hardness of the barrier layer being that the hardness of the barrier layer was measured while encasing the core.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajagopalan (USPN 6001930).

Regarding claim 19, Rajagopalan discloses the subassembly having a Shore D hardness of at least about 20. From what can be drawn from the entire disclosure, one having ordinary skill in the art would have come to the realization that the Shore D hardness may be up to about 85. One having ordinary skill in the art would have found it obvious to have the subassembly of any hardness so long as the hardness is greater than 20.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajagopalan (USPN 6001930) in view of Sullivan et al. (USPN 5984806).

Regarding claim 2, Rajagopalan does not disclose the type of fillers dispersed in the barrier layer. Sullivan et al. discloses a golf ball having fillers dispersed in the intermediate layer wherein aluminum flakes are among the group of fillers (See Columns 24 and 25). One having ordinary skill in the art would have found it obvious to disperse aluminum flakes, as taught by Sullivan et al., within the barrier layer of Rajagopalan in order to increase the moment of inertia of the golf ball.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajagopalan (USPN 6001930) in view of Minagawa et al. (USPN 6342567).

Regarding claim 20, Rajagopalan discloses a golf ball comprising a cover layer encasing a subassembly wherein the subassembly comprises a intermediate layer, or barrier layer, encasing a core, wherein the intermediate layer is formed from a composition comprising a filler dispersed in a solvent-borne polymer of a multi or iso-

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olefin (See Abstract; Column 16, lines 12 through 21; Column 24, lines 18 through 38; and Column 29, lines 5 through 8). Rajagopalan does not explicitly disclose the curing agent being sulfur, peroxide, or and oxide. Minagawa et al. discloses a rubber composition comprising butyl rubber wherein the composition comprises an oxide curing agent (See Columns 3 and 4). One having ordinary skill in the art would have found it obvious to use an oxide as a curing agent in order to increase the strength of the composition.

Allowable Subject Matter

Claims 8 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone


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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAA

Alvin A. Hunter, Jr.


GREGORY VIDOVICH
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